

REMARKS/ARGUMENTS

Claims 1, 3-5, 17, 19, 21, 34 and 36-63 are now pending in this application. Claims 1, 19, 36 and 48 are independent claims. Claims 1, 5 and 19 have been amended without prejudice. Claims 2, 6-16, 18, 20, 22-33 and 35 have been cancelled without prejudice. Claims 36-63 were previously withdrawn pursuant to the Restriction Requirement dated March 23, 2005.

Specification

The disclosure was objected to due to informalities. (Office Action, Page 3). Amendments have been made to the specification, thereby obviating the objections under this section.

Drawings

The drawings were objected to under 37 CFR 1.83(a). (Office Action, Page 3). Claims 8-16, 18, 25-33 and 35 have been cancelled, thereby obviating the objections under this section.

Claim Rejections – 35 USC § 112

Claims 8-16, 18, 25-33 and 35 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, and were further rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. (Office Action, Pages 4-6). Claims 8-16, 18, 25-33 and 35 have been cancelled, thereby obviating the rejections under this section.

Claim Rejections – 35 USC § 102

Claims 1-7, 17, 19-24 and 34 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Chen USPN: 6,431,428 (hereinafter: Chen). Applicant respectfully traverses these rejections.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220

USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Independent Claims 1 and 19 include elements that have not been disclosed, taught or suggested by Chen. Claims 1 and 19 each generally recite:

“a universal adapter assembly coupled with the housing, the universal adapter assembly for pivotally coupling the housing with the nail driving assembly, the universal adapter assembly including a seating member coupled with a rail member and a transition plate, the universal adapter assembly configured for being received by an adjustable angle nose casting assembly”.

The Patent Office asserts that Chen teaches a universal adapter assembly as claimed in the present invention. (Office Action, Page 7). However, Chen teaches a pivot for pivotally connecting a magazine with a barrel of a pneumatic nail gun. (Chen, Column 2, Lines 16-17). The universal adapter assembly as claimed in the present application includes a seating member coupled with a rail member and a transition plate, the seating member, rail member and transition plate all being coupled with the housing of the nail loading assembly (ex.-magazine). Further, the universal adapter assembly, as claimed in the present application is configured for being received by an adjustable angle nose casting assembly of the nail driving assembly. In Chen, no reference numeral, nor any further description of the pivot having structure corresponding to the universal adapter assembly as claimed in the present invention is provided. Therefore, the purported universal adapter assembly of Chen does not anticipate the universal adapter assembly as claimed in independent claims 1 and 19 of the present application.

Independent claims 1 and 19 include additional elements that have not been disclosed, taught or suggested by Chen. Claims 1 and 19 each generally recite:

“a support assembly disposed on the housing; and a support bar assembly included with the adjustable angle nose casting assembly for being engaged by the support assembly and for providing stability to the nail loading assembly”.

The Patent Office asserts that Chen teaches a support assembly and a support bar assembly as claimed in the present invention. (Office Action, Page 7). However, the purported support assembly of Chen generally consists of a pair of chambers (162) defined within opposite sides of the barrel of the pneumatic nail gun, the chambers being covered by corresponding sides (182) of a cover member (18). (Chen, Column 4, Lines 4-7). The support assembly as claimed in the present application is disposed on the housing of the nail loading assembly (ex.-magazine). As discussed above, the purported support assembly of Chen (i.e.-the pair of chambers), are formed within the barrel of the nail gun, and are not disposed on the housing. Therefore, the purported support assembly of Chen does not anticipate the support assembly as claimed in independent Claims 1 and 19 of the present application. Additionally, the purported support bar assembly of Chen generally consists of a number of stubs (43) which are coupled with guides (40). (Chen, Column 4, Lines 15-19). The guides (40) are disposed within the chambers (162) of the barrel (16) of the nail gun of Chen. (Chen, Column 4, Lines 4-19). The stubs (43) of Chen engage with nails which are fed into the barrel and serve to allow nails to pass through the barrel in a sequential fashion (i.e.-one after another). (Chen, Column 4, Lines 19-33). Contrastingly, the support bar assembly of the nail driving assembly, as claimed in the present application, is configured for engaging with the support assembly of the nail loading assembly and providing stability to the nail loading assembly by stabilizing the connection between the nail loading assembly and the nail driving assembly. (Present Application, Page 15, Paragraph 0034). Nowhere in Chen is it either disclosed, taught or suggested that the purported support assembly and purported support bar assembly engage in a like manner to stabilize the connection between the nail loading assembly and the nail driving assembly. Therefore, the purported support assembly and support bar assembly of Chen do not anticipate the support assembly and support bar assembly as claimed in independent claims 1 and 19 of the present application.

Therefore, based on the above rationale, it is contended that Chen does not teach, suggest, or disclose the above-referenced elements of independent Claims 1 and 19 of the present application. Under *Lindemann*, a *prima facie* case of anticipation has not been established for independent Claims 1 and 19. Thus, independent Claims 1 and 19 should

be allowed. Dependent Claims 3-5 and 17 (which depend on independent Claim 1) and dependent claims 21 and 34 (which depend on independent Claim 19) should also be allowed.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the pending claims is earnestly solicited.

Respectfully submitted on behalf of
Porter-Cable Corporation,

By:


Jeffrey M. Andersen
Reg. No. 52,558

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Jeffrey M. Andersen
SUITER • WEST • SWANTZ PC LLO
14301 FNB Parkway, Suite 220
Omaha, NE 68154
(402) 496-0300 telephone
(402) 496-0333 facsimile